

Application No. 09/160,503
Request Dated October 10, 2003
Reply to Office Action of July 15, 2003

REMARKS

Applicant respectfully requests the Examiner reconsider and withdraw the final office action dated July 15, 2003. Applicant submits the final action is improper because the Examiner relies on "common knowledge" in the art without evidentiary support in the record. The MPEP states, in section 2144.03, that it "is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." In the first office action dated February 3, 2003, the Examiner included the following conclusions in his reasons for rejecting Applicant's claims:

1. With respect to claim 1, the Examiner stated "Hekematpour teaches windows for accessing a program manager. This program manager is also a corresponding window manager."

2. With respect to claim 1, the Examiner stated "any type of circuitry that translates input entered into computer readable signals and then back to human readable output is a type of window decoder."

3. With respect to claim 21, the Examiner stated "[a]ny video data undergoes a decoding process."

4. With respect to claim 21, the Examiner stated "[a]ny sub-window is a type of special window."

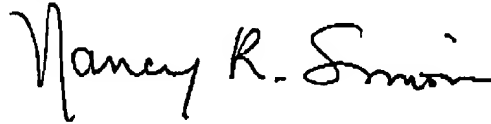
MPEP section 2144.03(C) states if an applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must provide documentary evidence in the next office action in order to maintain the rejection. In the Amendment filed in response to the first office action, Applicant challenged the Examiner's conclusions and requested the Examiner provide documentary evidence to support these conclusions. In the final Office Action dated July 15, 2003, however, the Examiner maintained the conclusions but did not provide any documentary evidence to support the

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statements. Applicant therefore requests the Examiner reconsider and withdraw the final office action.

Respectfully submitted,

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